

LABOUR AND EMPLOYMENT DEPARTMENT

The 7th May, 1981

No. 10(130)-78-5Lab.—In exercise of the powers conferred by section 90 of the Employees' State Insurance Act, 1948 and after consultation with the Employees' State Insurance Corporation, the Governor of Haryana hereby exempts the establishments of Haryana Agro Industries Corporation Ltd., in the State of Haryana from the operation of the provisions of the Employees' State Insurance Act, 1948.

H. L. GUGNANI, Comm. and Secy.

LABOUR DEPARTMENT

The 11th May, 1981

No. 9(1)81-8Lab/4969.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s M.L.C. International, Sector 24, Faridabad:—

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER INDUSTRIAL TRIBUNAL
HARYANA, FARIDABAD

Reference No. 582 of 1978 & 122 of 1979

between

THE WORKMEN AND THE MANAGEMENT OF M'S M.L.C. INTERNATIONAL
SECTOR 24, FARIDABAD

Present:—

Shri S. R. Gupta for the workmen.

Shri K. P. Agrawal for the management.

AWARD

By order No. FD/11/173-78/56510, dated 19th December, 1978, the Governor of Haryana referred the following dispute:—

Whether the lay-off of the workmen from 16th July, 1978 onward was justified and in order? If not, to what relief the workmen are entitled?

By order No. 15475, dated 6th April, 1979, the Governor of Haryana referred the following dispute:—

Whether the closure with effect from 13th November, 1978 is illegal, *malafide* and unjustified? If so, to what relief the workmen are entitled to?

Between the management of M/s M.L.C. International, Sector-24, Faridabad and its workmen to this Tribunal for adjudication in exercise of powers conferred by clause d of sub-section 10 of section 10 of the Industrial Disputes Act, 1947.

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties following issues were framed on 22nd June, 1979:—

1. Whether the factory has been closed? If so, to what effect?
2. Whether the demands has been espoused by substantial number of workmen?
3. Whether the lay-off of the workmen from 16th July, 1978 onward was justified and in order? If not, to what relief the workmen are entitled to?
4. Whether the closure with effect from 13th November, 1978 is illegal, *malafide* and unjustified? If so, to what relief the workmen are entitled to?

And the case was fixed for the evidence of the management. These two references were consolidated and evidence was recorded in reference No. 122 of 1978 with the consent of the parties. The workman examined Shri Sohan Lal as WW-1 and Shri Harbhajan as WW-2 and closed their case. Then the case was fixed for the evidence of the management. On the date fixed Shri K. P. Agrawal, representative for the management made a statement that the management had left the country and he had no instructions, therefore, he withdrew from the proceedings. Arguments were heard. Now I give my finding as follows:—

Issue No. 1.—WW-1 and WW-2 stated that the factory had been closed as, such this issue is decided accordingly.

Issue No. 2.—WW-1 stated that he had brought register of the union. He could not tell the name of the union. Election of the union was held and Shri Harbhajan Lal was elected as President and Shri Raman Lal as General Secretary. The proceedings were recorded in register. All the workers of the factory were members of the union. The union was previously affiliated to AITUC but then it came to NLO side. All the registers remained with Shri Darshan Singh WW-2 stated that there were about 1,000 workers in the factory. All of them had supported the demand notice. In cross-examination he stated that all the workers were members in the union. He did not know the name of the union.

I have seen the minutes book. The resolutions are signed only by Shri Manohar Lal and 2-3 others. There is no mention of meeting held by the workmen to espouse the demands under references. It was for the workmen to prove that they discussed the demand and supported the same in a meeting convened for the purpose. They cannot take the benefit of the weakness of the other side because it was the duty of the party who asserts an issue to prove the same. Therefore, I hold that the workmen have failed to discharge their burden. This issue is, therefore, decided against the workmen.

Issue Nos. 3 and 4.—On the finding of issue No. 1 being against the workmen, there was no necessity of deciding issues Nos. 3 and 4.

As per finding given by me on issue No. 1 the case of the workmen fails on this issue and the workmen are not entitled to any relief in both the references.

Dated the 23rd March, 1981.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 354, dated the 23rd April, 1981.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 19th May, 1981

No. 9(1) 81-38Lab./5248.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workmen and the management of M/s Bharat Leather Udyog, 18-Milestone, G.T. Road, P.O. Nathupur, Sonapat:—

IN THE COURT OF SHRI ISHWAR PRASAD CHAUDHRY, PRESIDING OFFICER, LABOUR COURT, HARYANA, FARIDABAD

Reference No. 415 of 1980

between

SHRI RAM PUJARI, WORKMAN AND THE MANAGEMENT OF M/S BHARAT LEATHER UDYOG, 18-MILESTONE, G. T. ROAD, P. O. NATHUPUR, SONEPAT

Present:—

Shri S. N. Solanki for the workman.

Shri D. C. Gandhi for the management.

AWARD

This reference No. 415 of 1980 has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/SPT 23-80/5839, dated 27th August, 1980 under section 10 (i) (c) of the Industrial Disputes Act, 1947, existing between Shri Ram Pujari workman and the management of M/s Bharat Leather Udyog, 18-Mile stone, G. T Road, P. O Nathpur, Sonapat. The term of the reference was :—

Whether the termination of services of Shri Ram Pujari was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were sent to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, the issues were framed on 17th December, 1980. On 23rd April, 1981, the representative of the workman Shri S. N. Solanki made a statement in this court that the terminated workman had settled his dispute with the respondent-management mutually and he had no instruction from the workman dispute his informing him in this case. He further stated that he was not informed of the dispute and did not want to pursue this reference now. He also stated that he had withdrawn this reference.

As neither the workman himself nor his authorised representative were interested in pursuing the dispute, therefore, I give my award that there exists no dispute between the parties on the issues so referred to this court for adjudication. In this reference while returning the award in these terms. The workman is not entitled to any relief. No order as to costs.

Dated 13th April, 1981

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

Enst. No. 924, dated the 1st May, 1981.

Forwarded (four copies) to the Commissioner & Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947 with the request that the receipt of the above-said award may please be acknowledged within week's time.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad

The 5th June, 1981

No. 9(1)-81-8Lab/6277.—In pursuance of the provision of sections 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s. Municipal Committee, Rohtak :—

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 225 of 80

between

SHRI SAWAN MAL, WORKMAN AND THE MANAGEMENT OF MUNICIPAL
COMMITTEE, ROHTAK

Prerent :—

Shri Hans Raj Vats for the workman.

No one for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor,—vide his order No. ID/RTK/18-80/53510, dated 14th October, 1980 under section 10(i)(c) of the I.D. Act for adjudication of dispute existing between Shri Sawan Mal, workman and the management of Municipal Committee, Rohtak. The term of the reference was :—

Whether the termination of services of Shri Sawan Mal was justified and in order? If not, to what relief is he entitled?

On the receipt of the order of reference, notices as usual were sent to the parties. The workman appeared through his authorised representative but no one appeared on behalf of the management on 2nd March, 1981 in response to the notice despite the service of the same to the management. The management was proceeded against *ex parte*. *Ex parte* evidence of the workman was recorded. The workman deposed that he was appointed peon in the Improvement Trust, Rohtak on 9th January, 1978,—*vide* appointment letter copy Exhibit WW. 1/1. The Improvement Trust was merged with the Municipal Committee and he was terminated,—*vide* order Exhibit WW. 1/2. Conciliation proceedings were held. WW. 1/3 is the A.D. by which demand notice was received by the management. He was getting Rs. 295/- as his wages per month at the time of his termination.

The management did not choose to defend themselves against the demand of the workman. I have no choice but to rely the unrebutted statement of the workman made on oath. The workman has put in about two years service and he has not been paid any notice pay or retrenchment compensation which was legally required under section 25(F) of the Industrial Disputes Act. The action of the management is, therefore, illegal and not in order. The workman is entitled to reinstatement with continuity of service and with full back wages. The reference is answered and returned in these terms.

Dated, the 23rd May, 1981.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana, Rohtak.

Endorsement No. 1741, dated 27th May, 1981

Forwarded (four copies) to the Secretary to Government of Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the I.D. Act.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana, Rohtak.

The 25th June, 1981

No. 9(1)81-8 Lab./7207.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Sunrise products, Bahadurgarh (Rohtak):—

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 261 of 1978

between

SHRI BRIJ BIHARI, WORKMAN AND THE MANAGEMENT OF M/S SUNRISE
PRODUCTS, BAHADURGARH (ROHTAK)

Present:—

No one for the workman.

Shri M. M. Kanshal, for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor,—*vide* his order No. ID/SPT/99-78/41201, dated 12th September, 1978 under section 10 (1) (c) of the I. D. Act for adjudication of the dispute existing between Shri Bihari, workman and the management of M/s Sunrise Products, Bahadurgarh. The term of the reference was:—

Whether the termination of services of Shri Brij Bihari was justified and in order? if not, to what relief is he entitled?

On the receipt of the order of reference notices as usual were sent to the parties the parties appeared filed their respective pleadings. The following issues were framed on the basis of their pleadings.—

1. Whether the workman resigned the post of his free-will without any reason and coercion and this does not tantamount to termination of the service ?
2. Whether the workman is stopped from filing and complaint and present demand notice in view of settlement arrived at between the management and workman ?
3. If the above issues are not proved ? Then according to reference whether the termination of service of Shri Brij Bihari was justified and in order ? if not to what relief he is entitled?

The management was asked to lead their evidence first. The management file some documents to be admitted or denied by the workman but the workman did not appear and three adjournments were granted for this purpose. At last on 13th March, 1980 neither the workman nor his authorised representative appeared when the case was called on at 3-00 P. M. for the third time. The workman was then proceeded against *ex parte*. The *ex parte* evidence of the management was recorded. The management examined Shri Didar Singh, partner as their sole witness who deposed that the workman was issued several charge sheets from Exhibit MW-1/1 to Exhibit MW-1/14. One Shri M. K. Goal was appointed as Enquiry Officer. The workman did not take part in the enquiry proceedings and he was served with a final show-cause notice on 8th September 1980 to which he replied vide Exhibit MW-1/24 with the prayer that he may not be dismissed and his resignation be accepted and his final accounts be settled and paid to him. He was paid his full and final wages for the month of April, 1978 and bonus for the year 1977-78,—vide receipt Exhibit MW-1/25. Relying on the *ex parte* statement of the management witness when the workman did not choose to rebut the same I hold that the workman resigned his job on his own accord without any pressure or coercion and this does not amount to termination of his services by the management. Therefore, this is a case of voluntary resignation and not a case of termination and the workman is therefore not entitled to any relief. The reference is answered and retained accordingly.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

The 13th June, 1981

Endorsement No. 1955, [dated 16th June, 1981

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the I. D. Act.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

The 7th July, 1981

No. 9(1) 81-8 Lab. 7407.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of, M/s. Universal Conveyor Belting Ltd., Amar Ngr, Faridabad.

BEFORE SHRI M. C. BHARDWAI, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD.

Reference No. 153 of 1981

between

THE WORKMAN AND THE MANAGEMENT OF M/S. UNIVERSAL CONVEYOR BELTING LTD., AMAR NAGAR, FARIDABAD.

Present :—

None, for the workmen.

Shri J. S. Saroha, for the management.

AWARD

By order No. ID/FD/288.80/24978 dated 18th May, 1981 the Governor of Haryana referred the following dispute between the management of M/s. Universal Conveyor Belting Ltd., Amar Nagar, Faridabad and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the grades and scales of pay of the workmen should be fixed ? If so to what details ?

On receipt of the order of reference, notices were sent to the parties. The workmen did not appear despite service and the case was ordered to be dismissed for non-prosecution by the workmen. I, therefore, dismiss the case for non-prosecution by the workmen.

Dated 19th June, 1981.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 599, dated the 23rd June, 1981.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 9 (1) 81-8Lab/7466.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s. PE-EH Forgings, Sector 24, Faridabad.

**[BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD.]**

Reference No. 111 of 1981.

Between

**SHRI DENESH KUMAR PUROHIT, WORKMAN AND THE MANAGEMENT OF M/S. PE-EH
FORGINGS SECTOR 24, FARIDABAD.**

Present :—

Workman, in person.

None, for the management.

AWARD

By order No. ID/FD/30/81/21076, dated 21st April, 1981 the Governor of Haryana referred the following dispute between the management of M/s. PE-EH Forgings, Sector 24, Faridabad and its workman Shri Denesh Kumar, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Denesh Kumar Purohit was justified and in order ?
If not, to what relief is he entitled.

On receipt of the order of reference, notices were issued to the parties. The representative for the workman was present. The management did not appear despite service. Claim statement was filed by the workman and the case was proceeded *ex parte* against the management and the case was fixed for evidence of the workman. The workman in his *ex parte* statement stated that he was

working with the management as Time Keeper on wages of Rs. 612.50. The management did not allow him entry without any reason. His work was satisfactory. No chargesheet or warning was given to him during the tenure of his service. He was marking attendance of the workman.

I, believe in the *ex parte* statement of the workman and give my award that the termination of service of the workman was neither justified nor in order. The workman is entitled to reinstatement with continuity of service and with full back wages.

➤ Dated the 26th June, 1981.

M. C. BHARDWAJ,
Presiding Officer, Industrial
Tribunal, Haryana, Faridabad.

Endorsement No. 617, Dated the 27th June, 1981.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer, Industrial
Tribunal, Haryana, Faridabad.

No. 9 (1) 81-8 Lab./7467.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s. Prince Paper Mills, Sector 25, Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD.

Reference No. 70 of 1981

between

➤ SHRI KHILI RAM WORKMAN AND THE MANAGEMENT OF M/s. PRINCE PAPER MILLS,
SECTOR 25, FARIDABAD.

Present :—

Shri Rajgopalan, for the workman.

None, for the management.

AWARD

By order No. ID/FD/25/81/10723, dated 6th March, 1981 the Governor of Haryana referred the following dispute between the management of M/s. Prince Paper Mills, Sector 25, Faridabad and its workman Shri Khili Ram, to this Tribunal, for adjudication, in exercise of the power conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Khili Ram was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared. The workman stated that his demand notice be treated as claim statement and then the case was fixed for filing written statement. On 28th May, 1981 none was present for the management. The case was called thrice and the management was proceeded against *ex parte* and then the case was fixed for *ex parte* evidence of the workman. The workman in his *ex parte* statement stated that he was working with the management since 17th July, 1977 at the rate of Rs. 240 per month. The management terminated his services without any reason. No charge-sheet was given to him and no enquiry was held. He wanted to join duty.

I, believe in the *ex parte* statement of the workman and I give my award that the termination of services of the workman was neither justified nor in order. The workman is entitled to reinstatement with continuity of service and with full back wages.

Dated the 26th June, 1981.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

Endorsement No. 616, dated the 27th June, 1981.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

H. L. GUGNANI, Comm. and Secy.